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5 *Attorney for Defendant I.Q. Data International, Inc.*  
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10 UNITED STATES DISTRICT COURT  
11 FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

12 JANICE D. AYLER,

Case No.: 3:24-CV-05076-BHS

13 Plaintiff,

DEFENDANT I.Q. DATA  
INTERNATIONAL, INC.'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
COMPLAINT

14 vs.  
15 I.Q. DATA INTERNATIONAL, INC. AND  
SILVER RIDGE VILLAGE, LLC

16 Defendants.

17 Defendant I.Q. Data International, Inc. ("I.Q. Data"), by counsel, states as follows for  
18 its Answer to Plaintiff's Complaint [Dkt. # 3] filed against it by Plaintiff Janice D. Ayler  
19 ("Plaintiff"):

20 1. Paragraph 1 of Plaintiff's Complaint is a legal conclusion to which no admission  
21 or denial is required. To the extent that a response is required, I.Q. Data denies the allegations  
22 in that Paragraph.

23 2. I.Q. Data admits this Court has jurisdiction over claims under the FDCPA but  
24 I.Q. Data puts the Court and Plaintiff on notice of *TransUnion LLC v. Ramirez*, 141 S. Ct.  
25 2190 (2021) concerning the subject matter jurisdiction of federal courts regarding alleged  
26 statutory violations. I.Q. Data is without sufficient knowledge to form a belief as to the truth

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1 of the remaining allegations contained in Paragraph 2 of Plaintiff's Complaint, and therefore  
2 denies said allegations.

3       3. I.Q. Data admits this Court has jurisdiction over claims under the FDCPA, but  
4 I.Q. Data puts the Court and Plaintiff on notice of *TransUnion LLC v. Ramirez*, 141 S. Ct.  
5 2190 (2021) concerning the subject matter jurisdiction of federal courts regarding alleged  
6 statutory violations. I.Q. Data is without sufficient knowledge to form a belief as to the truth  
7 of the remaining allegations contained in Paragraph 3 of Plaintiff's Complaint, and therefore  
8 denies said allegations.

9       4. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
10 allegations contained in Paragraph 4 of Plaintiff's Complaint, and therefore denies said  
11 allegations.

12       5. I.Q. Data admits I.Q. Data is a Washington Corporation. I.Q. Data is without  
13 sufficient knowledge to form a belief as to the truth of the remaining allegations contained in  
14 Paragraph 5 of Plaintiff's Complaint, and therefore denies said allegations.

15       6. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
16 allegations contained in Paragraph 6 of Plaintiff's Complaint, and therefore denies said  
17 allegations.

18       7. Paragraph 7 of Plaintiff's Complaint is a legal conclusion to which no admission  
19 or denial is required. To the extent that a response is required, I.Q. Data denies the allegations  
20 in that Paragraph.

21       8. Paragraph 8 of Plaintiff's Complaint is a legal conclusion to which no admission  
22 or denial is required. To the extent that a response is required, I.Q. Data denies the allegations  
23 in that Paragraph.

24       9. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
25 allegations contained in Paragraph 9 of Plaintiff's Complaint, and therefore denies said  
26 allegations.

1       10. I.Q. Data denies the allegations contained in Paragraph 10 of Plaintiff's  
2 Complaint.

3       11. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
4 allegations contained in Paragraph 11 of Plaintiff's Complaint, and therefore denies said  
5 allegations.

6       12. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
7 allegations contained in Paragraph 12 of Plaintiff's Complaint, and therefore denies said  
8 allegations.

9       13. I.Q. Data denies the allegations contained in Paragraph 13 of Plaintiff's  
10 Complaint.

11       14. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
12 allegations contained in Paragraph 14 of Plaintiff's Complaint, and therefore denies said  
13 allegations.

14       15. I.Q. Data denies the allegations contained in Paragraph 15 of Plaintiff's  
15 Complaint.

16       16. I.Q. Data denies the allegations contained in Paragraph 16 of Plaintiff's  
17 Complaint.

18       17. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
19 allegations contained in Paragraph 17 of Plaintiff's Complaint, and therefore denies said  
20 allegations.

21       18. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
22 allegations contained in Paragraph 18 of Plaintiff's Complaint, and therefore denies said  
23 allegations.

24       19. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
25 allegations contained in Paragraph 19 of Plaintiff's Complaint, and therefore denies said  
26 allegations.

1       20. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
2 allegations contained in Paragraph 20 of Plaintiff's Complaint, and therefore denies said  
3 allegations.

4       21. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
5 allegations contained in Paragraph 21 of Plaintiff's Complaint, and therefore denies said  
6 allegations.

7       22. I.Q. Data denies the allegations of Paragraph 22 of Plaintiff's Complaint.

8       23. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
9 allegations contained in Paragraph 23 of Plaintiff's Complaint, and therefore denies said  
10 allegations.

11      24. I.Q. Data denies the allegations in Paragraph 24 of Plaintiff's Complaint.

12      25. I.Q. Data denies the allegations in Paragraph 25 of Plaintiff's Complaint.

13      26. I.Q. Data denies the allegations in Paragraph 26 of Plaintiff's Complaint.

14      27. I.Q. Data admits and denies the allegations in Paragraph 27 as set forth in  
15 Paragraphs 1 through 26 of this Answer.

16      28. Paragraph 28 of Plaintiff's Complaint is a legal conclusion to which no  
17 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
18 allegations in that Paragraph.

19      29. I.Q. Data is without sufficient knowledge to form a belief as to the truth of the  
20 allegations contained in Paragraph 29 of Plaintiff's Complaint, and therefore denies said  
21 allegations.

22      30. Paragraph 30 of Plaintiff's Complaint is a legal conclusion to which no  
23 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
24 allegations in that Paragraph.

25      31. I.Q. Data denies the allegations in Paragraph 31 of Plaintiff's Complaint.

26      32. I.Q. Data denies the allegations in Paragraph 32 of Plaintiff's Complaint.

1       33. I.Q. Data denies the allegations in Paragraph 33 of Plaintiff's Complaint.  
2       34. I.Q. Data denies the allegations in Paragraph 34 of Plaintiff's Complaint.  
3       35. I.Q. Data admits and denies the allegations in Paragraph 35 as set forth in  
4 Paragraphs 1 through 34 of this Answer.

5       36. I.Q. Data denies the allegations in Paragraph 36 of Plaintiff's Complaint.  
6       37. I.Q. Data denies the allegations in Paragraph 37 of Plaintiff's Complaint.  
7       38. I.Q. Data denies the allegations in Paragraph 38 of Plaintiff's Complaint.  
8       39. I.Q. Data denies the allegations in Paragraph 39 of Plaintiff's Complaint.  
9       40. I.Q. Data denies the allegations in Paragraph 40 of Plaintiff's Complaint.  
10      41. I.Q. Data admits and denies the allegations in Paragraph 41 as set forth in  
11 Paragraphs 1 through 40 of this Answer.

12      42. Paragraph 42 of Plaintiff's Complaint is a legal conclusion to which no  
13 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
14 allegations in that Paragraph.

15      43. Paragraph 43 of Plaintiff's Complaint is a legal conclusion to which no  
16 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
17 allegations in that Paragraph.

18      44. Paragraph 44 of Plaintiff's Complaint is a legal conclusion to which no  
19 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
20 allegations in that Paragraph.

21      45. Paragraph 45 of Plaintiff's Complaint is a legal conclusion to which no  
22 admission or denial is required. To the extent that a response is required, I.Q. Data denies the  
23 allegations in that Paragraph.

24      46. I.Q. Data denies the allegations in Paragraph 46 of Plaintiff's Complaint.

25      47. I.Q. Data denies the allegations in Paragraph 47 of Plaintiff's Complaint.

26      48. I.Q. Data denies the allegations in Paragraph 48 of Plaintiff's Complaint.

49. I.Q. Data denies the allegations in Paragraph 49 of Plaintiff's Complaint.

50. All other allegations contained in Plaintiff's Complaint which are not otherwise specifically admitted or denied herein are denied.

#### **ADDITIONAL DEFENSES**

1. **Failure to State a Claim.** Plaintiff failed to state a claim upon which relief can be granted as to the FDCPA, FCRA and WCPA.

2. **Standing.** Plaintiff lacks standing because she did not suffer any concrete harm.

3. **Failure to state a claim.** The alleged misrepresentations are not material and, therefore, are not actionable under the FDCPA. See *Donahue v. Quick Collect, Inc.*, 592 F.3d 1027 (9th Cir. 2010).

4. **Third Party Liability.** Plaintiff's damages, if any, were the result of the fault of Plaintiff themselves or of others for whom I.Q. Data is not responsible or liable.

5. **Failure to Mitigate.** Any damages were aggravated by Plaintiff's own failure to use reasonable diligence to mitigate them.

6. **Offset.** Any damages are offset by amounts that Plaintiff owes on the delinquent account at issue.

7. **Good Faith.** At all pertinent times, I.Q. Data acted in good faith reliance on the information provided by the creditor of the account.

8. **Good Faith.** All amounts attempted to be collected by I.Q. Data are reasonable and lawful pursuant to the common law and/or statutory law of Washington.

9. **Bonafide Error.** If any violation occurred, I.Q. Data's actions were not intentional, and the error occurred despite reasonable procedures in place to avoid the error.

10. **Frivolous.** Plaintiff's allegations are false, and Plaintiff knows or should know they are false. Plaintiff knows that the principal amount assigned was \$3,491.67 and Plaintiff knows that Plaintiff made \$200 in payments towards that principal balance. Reasonable attorney fees should be awarded against Plaintiff for this frivolous action.

1           11. Further answering Plaintiff's Complaint, I.Q. Data specifically reserves the right  
2 to amend its answer and claims herein by way of adding additional parties, affirmative  
3 defenses, counterclaims, cross-claims, and third-party claims or actions, as additional  
4 investigation, discovery or circumstances may warrant.

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8 Plaintiff's cost, and that I.Q. Data be awarded reasonable attorney fees and costs as provided  
9 for under applicable law.

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Dated: March 22, 2024.

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Respectfully submitted,

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## Certificate of Service

I hereby certify that on March 22, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Janice D. Ayler  
PO Box 99284  
Lakewood, WA 98496-0284

s/ Jeffrey I. Hasson  
Jeffrey I. Hasson, WSBA#23741  
Attorney for I.Q. Data  
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